

MONTMAGNO TAKES A DARE IN COURT

Willing to Have His Lawyers Disclose His Secrets in Gaimari Case.

LITTLETON FORCES ISSUE

He Seeks to Prove Rofrano Is Victim of Plot by Actual Slayer.

Frank Barra, Gaetano Montmagno's counsel in his trial for the killing of Michael Gaimari, may be called in an attempt to refute testimony Montmagno gave yesterday against Michael A. Rofrano on trial charged with instigating the same murder.

In the latter part of his cross-examination of Montmagno yesterday, Martin Littleton, Rofrano's attorney, tried to show that the defendant is the victim of a plot that was concocted in the West End district street prison by Montmagno to save himself after his conviction.

Montmagno denied this, and said again and again that he did the killing and that he was drugged and had been threatened with death by Rofrano if he did not make good his promise to kill Gaimari.

"Did you tell Barra or your other lawyer that Rofrano had told you that he was drugged and threatened with death by Rofrano if you did not murder Gaimari?" Mr. Littleton asked. "Yes," was the reply.

Justice Weeks' Query.

"Before you were tried or after?" Justice Weeks asked. Montmagno answered that it was before.

"And did you tell him," asked Mr. Littleton, "that you had told Rofrano on two occasions at Brodinski's house?"

"Yes,"

"Did you tell him?"

"Yes,"

"You willing that Mr. Barra, Barra, who was your lawyer, and his associate, Mr. Barra, are willing that they should come here and tell everything that went on before or after that?"

Montmagno gives release.

Montmagno said he was, which would release his former attorneys from the professional privilege.

The case was represented as a dramatic episode last night that Montmagno's statement was untrue and that he would be willing to take the case to the jury.

Montmagno's defense in his own trial was made.

At the end of the day's session an interesting episode in the trial took place when Judge La Salle was on the stand he asked down, and Assistant District Attorney Dooling discovered that the man who was in the death seat yesterday was in court, and at the end of the day it is said that he ordered court officers not to allow one of them to enter again.

The man is allied with Rofrano's side of the case word of what had happened was taken to Mr. Littleton, and he told the man to send in word to him to come to court, and that he got into court. Later Mr. Dooling denied that he ordered any one barred from the room.

Woman Killed by Elevator.

Mr. Louis Herberg, 40 years, a resident of 48 West 125th street, was crushed to death yesterday when an elevator he was riding in at the sixth floor of an apartment house at 178 East 57th street started upward suddenly. Her body was caught between the ceiling of the sixth floor and the floor of the seventh.

English Political Writer Sorry Roosevelt Was Not Nominated.

Henry T. Cozens-Hardy, English political writer, who is to make an attempt to explain the political situation in America to British readers, arrived yesterday by the White Star liner Lapland.

He said a large part of his fellow citizens were disappointed because Col. Theodore Roosevelt had not been nominated for the Presidency. England's interest in the Presidential election, he said, was not overwhining. The Liberal party is a whole favored Wilson and the Conservatives were for Hughes. Both parties regretted Col. Roosevelt was not a candidate.

General of Revolution Unit to Elect Him President.

Mexico City, Oct. 23.—More than a hundred prominent generals and other leaders actively associated in the revolution met today at the home of Gen. Pablo Gonzalez, who has been operating in the United States since he left the Mexican army to unite the constitutionalists.

The project, which was made known by Gen. Gonzalez, was enthusiastically accepted by all those present. Gen. Gonzalez is head of the organization committee.

Surrogate Chahlan Holds One-eighth of \$7,316,365 Is Enough.

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The Surrogate therefore ruled Dooler was "wealthy."

HUMPHRIES PLEADS GUILTY

Hear to \$750,000 to Be Sentenced Monday for Speeding.

James Humphries, 29 years old, heir to \$750,000, pleaded guilty yesterday to automobile speeding and was remanded for sentence next Monday. Humphries' address is Dr. McFarlane's sanitarium, Hastings-on-Hudson. His mother, who was in court, lives at 128 West Fifty-eighth street.

"Ladies are the cause of Humphries' crime," reported Probation Officer O'Mahoney. "There are a number of young fellows who know he has money and they keep coming after him to get him to spend it with them."

O'Mahoney said Humphries has more than \$1,000 a month and that he is well known on Broadway as a spender. Humphries was arrested on September 3 after he had almost run over a man and woman at Broadway and 105th street.

ONLY 9 NEW PARALYSIS CASES.

Deaths for 48 Hour Period Are But Three.

There were three deaths from infantile paralysis in the forty-eight hours ended last Sunday morning, while the only case in the latter twenty-four hour period, according to the Board of Health's reports, Manhattan and The Bronx each had a death in the twenty-four hours ended Sunday morning. The only case in the entire city in the twenty-four hours ended yesterday morning was in Brooklyn.

WEARSCOPE

A FACT FINDER IN THE FIELD OF MEN'S WEAR.

Registered

advises you to be a season ahead with one of these

Men's Fall Overcoats 25.00

THESE twin reasons account for the surpassing value in these Overcoats:

They are made by the only tailoring organization in New York, trained in Fifth Avenue hand-tailoring and putting their training into these ready-for-use clothes.

The Fabrics—complying with the strict Franklin Simon & Co. all wool-fast dye standards—were purchased before the "atmospheric pressure" of the woolen market had forced the "price barometer" upward.

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We buy back at full value any clothing not satisfactory.

Men's Clothing Shop A Separate Shop On the Street Level 8 West 38th Street

Franklin Simon & Co. Fifth Avenue—New York

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VILLALBA OZUNA'S MEN INTO AMBUSH

In Trap Near San Andres, Carranzistas Were Shot Down From Behind Rocks.

HEARST RANCH RAIDED

Bandit Chief Slaughtered 600 Bees and Stole Horses at Santa Anna.

San Antonio, Tex., Oct. 23.—Francisco Villa led the Carranzistas, under Gen. Trevino, into an ambush at Santa Anna and San Andres, on the western division of the Mexico Northern Railroad, on Friday, according to a report received today by one of the Federal Department's agents here.

Villa retreated from a position outside of San Andres, forty miles on the railroad west of Chihuahua, toward San Andres. This led the Carranzistas to guard into the trap Villa set for them. The bandits, hidden in the rocky desert along the railroad, poured a heavy fire into the Carranzista troops from behind rocks.

The same source of information claims the confirmation of the report that the Carranzista troops then retreated to Santa Anna, then to Pachuca, and are reported to be in Pachuca, the first station west of Chihuahua city. Carranzista officials here admit there has been heavy fighting between Santa Ysabel and Chihuahua city, but Gen. Gonzalez in Juarez insists that he has received no reports of fighting.

Gen. Trevino sent an official denial to Gen. Gonzalez that Gen. Gonzalez had been killed during the fighting. Gen. Gonzalez said that Ozuna was alive and in good health.

Villa spent several days on the Santa Anna ranch, near Nacaju, one of the Carranzista strongholds, and his band suddenly left a week ago, according to a letter received here today from the manager of the ranch. They were followed by Carranzista troops, who suddenly vacated three weeks ago. They slaughtered 600 bees and turned their horses loose to feed in the cornfields in the Pachuca district. All the available horses were seized. Villa's men were only partially armed. On leaving they said they had been called to Santa Ysabel.

BIG FRAUD ON WOMEN FOUND.

"Endless Chain" Scheme Catches Many Thousands of Victims.

MINNEAPOLIS, Oct. 23.—Thousands of letters, each containing 10 cents, are pouring into the local post office daily from women in various parts of the country who have joined in an "endless chain" scheme promoted by the so-called National Brokeage Exchange.

To every woman who would send 10 cents in silver and write to five friends urging them to join in the chain, the "exchange" promised a "new 1917 model silk petticoat."

Postal inspectors are searching for officers of the "exchange," who are wanted for using the mails to defraud. A room in a local business block, to which all the letters are addressed, was suddenly vacated three weeks ago. The authorities are growing impatient.

"The volume of mail for the 'exchange' is rapidly growing," said Postmaster E. A. Purdy, "and today we received 25,000 letters, enclosing 25,000 cents."

IS BIGGEST COASTWISE SHIP.

Henry R. Mallory Begins Tomorrow Maiden Voyage to Galveston.

The new Mallory liner Henry R. Mallory, the largest American coastwise steamship, arrived yesterday from the yards of her builder, the Newport News Shipbuilding and Dry Dock Company, and will sail to-morrow on her maiden trip to Galveston.

The vessel looks much like a transatlantic liner and is constructed for overseas service. It displaces 11,750 tons when loaded, is 441 feet long, of 54 feet beam and 21 feet depth of hold. The superstructure and deck houses are amidships. All the staterooms are outside and accommodate 200 passengers. The fuel is used for the triple expansion engines of 5,000 horse-power. The Henry R. Mallory is expected to break the record between New York and Galveston.

H. T. COZENS-HARDY ARRIVES.

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WILSON WOULD HOLD MEXICAN CONFEREES

Trying to Prevent Breaking Off of Negotiations Until Election Day.

MEETINGS CALLED FAIR

Reserve Feature of Army Bill Wiped Out by President's Order.

WASHINGTON, Oct. 23.—President Wilson, according to information which has reached here, is making determined efforts to ward off the breaking up of the joint Mexican American conference until after election. The conference was adjourned yesterday, and the hope that any practical good will come of it has virtually been abandoned.

Army officers smile when reference is made to the conference, but they point out that there is good reason to believe that the President is considering keeping the National Guard on the border for another year at least in view of the failure of the conference, and they anticipate another four years of "watchful waiting" on the border if the President is re-elected.

This basis this on an important decision just announced by the War Department after word from San Antonio. This is to the effect that "some year ago," with the President's approval, in the reserve there, will not be considered in connection with the new terms of enlistment, which become effective on November 1. This decision, it is said, effectively nullifies a progressive feature of the army bill, which had incorporated in the General Staff had incorporated in the army bill.

Called a Good Move.

The General Staff, in order to build up the army by inducing young men to enlist for a year, had sanctioned the provision for a year's enlistment, followed by six years in the reserve. This was regarded as a progressive feature of the army bill. It was destined to appeal to thousands of these young Americans who were willing to devote a year of their lives to the army in order to be prepared to offer their services in case serious trouble later threatened.

At the end of a year's service the Secretary of War had the discretion of permitting these "one year" men to go into the reserve, which, it was assumed, he would do in all cases where the men were sufficiently intelligent and capable of doing military work. The provision had been sufficient to warrant his being of real service to the country if later called upon. This provision was understood to have been regarded as a "very satisfactory and progressive feature of the bill."

But now the President has changed his mind. He has decided to order that the men who have been sanctioned in the army bill be widely advertised throughout the country as a means of inducing enlistment. He has changed his mind because of some development of which the public is being kept in ignorance.

CAPITAL IN QUERETARO.

Carranza and Obregon Leave Mexico City to Gonzalez.

LAREDO, Tex., Oct. 23.—Gen. Carranza, accompanied by Alvaro Obregon, Minister of War, and a retinue of Administrators, left Mexico City today for Laredo, six carloads of war munitions were taken from Mexico city, according to information received from sources here. Carranza and Obregon, who have been operating in the United States since they left the Mexican army to unite the constitutionalists, are expected to arrive in Laredo today. Carranza is expected to break the record between New York and Galveston.

Feature of Plan Spoiled.

Secretary Baker Acting Under Instructions from the President, Has Issued an Order to Department Commanders Making It Clear That the Must Not Promise "One Year" Men the Reserve.

WASHINGTON, Oct. 23.—The feature of the army bill which provided for a year's enlistment, followed by six years in the reserve, was spoiled today by an order from the Secretary of War. The order, which was issued by Secretary Baker acting under instructions from the President, has been issued to department commanders making it clear that the must not promise "one year" men the reserve. The order, which was issued by Secretary Baker acting under instructions from the President, has been issued to department commanders making it clear that the must not promise "one year" men the reserve.

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GIRL REGAINS STOLEN CAR AND MAN IS HELD

Recognizes Missing Runabout and Drives Off—Claimant Seized.

SHERIFF OF QUEENS KILLED BY MADMAN

Continued from First Page.

costs and that he would kill any man or woman who tried to make him do so. With an order for his arrest in lieu of payment two deputy sheriffs of the county went to Taft's home yesterday morning. He met them at the door with a shotgun and ordered them off what he referred to as his property. Such was the venom in his manner that they lost no time in departing.

His Answer a Gun Shot.

Sheriff Stier, with his deputy, Samuel J. Mitchell, went to the cabin at 1 o'clock yesterday afternoon, on their way they met Patrolman Durkin. At the Sheriff's request, Durkin accompanied them within the house. Taft was asleep in the little attic at the top of a short flight of stairs. His wife called to him. He came to the door. "I have a warrant for your arrest," said Sheriff Stier. "You would better come quietly."

The old man snapped his shotgun to his shoulder and a shower of shot struck Durkin in the neck. A second time he fired and the full load hit Sheriff Stier in the face. His death probably was instantaneous. The deputy sheriff slipped through the door. Durkin, badly wounded, crept to a police signal box and called for assistance.

They came in a patrol wagon, followed by Sergeant Fitzgerald on a motorcycle. The sergeant, who had fought under General Chaffee in Cuba, deployed his men around the house. They were looking for a man who was hiding in the room. He saw the bearded, menacing figure on the roof; he knew he had killed one man and probably would have no scruples about slaying others.

EX-RUSSIAN PRIEST SUES MAGAZINE

Sergius M. Trufanoff, Friend of Rasputin, Asks \$3,000 Damages.

Sergius M. Trufanoff, friend of Rasputin, filed in the Supreme Court yesterday a summons and complaint against the Metropolitan Magazine. The magazine was to have published a series of articles furnished by him on Rasputin, the mysterious monk who is high in the councils of the Russian court and with whom Trufanoff claims to have been closely identified.

But Trufanoff asserts that now "with the connivance of the Russian Government," to have his name used in connection with the publication of these articles and is willing to pay him in order to suppress them.

Trufanoff states that after eleven months in a Russian prison because he opposed Rasputin, he was released and he came to this country in June last, having received a cablegram from Rasputin. He claims that arrangements had been made for him to supply material for the magazine.

According to the petitioner's affidavit, \$5,000 was to be paid to him in installments before August 1. After he arrived in June 1915 with H. J. Whigham, president of the Metropolitan Magazine, he was to have supplied material for the magazine. Whigham, who is a resident of New York, is said to have been in the city at the time of the publication of the articles.

The Russian Consul General, Mikhail Ostroff, he says, also attempted to get him to drop the series for the same amount, claiming it would injure Russia. He refused to do so, and went as far as to pay him \$1,000. Trufanoff says, Ostroff told him that he had obtained a promise from a large shareholder in the magazine that the articles would not be published.

Later, President Whigham, he says, told him the stories might never be published and the November issue, in which the first was advertised to appear, came out without "the largest story of the year," as it had been described.

Trufanoff says Whigham offered him \$2,000 in addition to the similar amount he had already received, but he refused to do so. He says the magazine company has two of the articles prepared and copyrighted and threatens interference if he tries to sell the story to another publication. He says he has an injunction restraining them from such action. The motion will be heard on November 2.

May End Motor Swindles.

Globe Indemnity Co. Employee Turns State's Evidence.

Robert E. Caswell of Woodhaven, Queens, who was arrested last week charged with grand larceny by the Globe Indemnity Company, has turned State's evidence and is expected to be employed as an adjuster, pleaded guilty yesterday before Judge Rensselaer and was released in \$2,000 bail.

The trial of the small at the request of Assistant District Attorney William J. Burns, detective, who are charged with examining private correspondence of Caswell and his efforts to defraud the company. He was postponed yesterday for a month because of the absence in Italy of Assistant District Attorney Black.

Egan and Burns Trial Delayed.

The trial of Martin Egan, publicly known as "Big Boy" Egan, and William J. Burns, detective, who are charged with examining private correspondence of Caswell and his efforts to defraud the company. He was postponed yesterday for a month because of the absence in Italy of Assistant District Attorney Black.

Only wanted to get a stretcher to carry the Sheriff out," he explained to Taft.

"He'll stay where he is. You and that other young fellow get out. I'm going to shoot in a minute."

"Bring him in," the Order.

Once Fitzgerald had gone beyond the fringe of trees, the other policemen opened fire. They were ordered not to shoot until he had further instructions. He stood back on his motorcycle to the flaming police station. Borough Inspector Dillon was called on the telephone.

"There's a fellow here who has just shot the Sheriff. He won't give in peacefully. I want to know if we are to bring him in dead or alive?"

"Bring him in," were the instructions. Sergeant Fitzgerald went back to the firing line. He found his men becoming reckless. He ordered them to keep under cover.

"We can't get him with revolvers," he said; "he is more than 100 feet away from us. We need rifles."

A Patrolman took aim at a shooting gallery near by and got two Winchester repeaters with a box of .22 bullets. He handed one to Patrolman McNulty. McNulty took a shot at Taft. The bullet knocked splinters out of the edge of the roof.

"Pretty good," laughed Taft. "Now here's a real shot."

He fired and the shot splattered against the tree behind which McNulty was hiding. Fox leaped out of the grove of trees and in return for his shot he got a shower from the madman's shotgun. One of the shot passed entirely through his body an inch above Fox's heart.

Gets a Naval Rifle.

Fox, although wounded, fired again. In the exchange he got another shot through the arm. Taft, although he kept his rifle within ready reach, relied most upon the shotgun. Patrolman Ahern started to try for the house. He was stopped when the dirt flew up in his face.

Fitzgerald was absent during the early exchange. He went down to the yacht club landing. He found the sailor on duty and asked him to wigwag to the Harbor Police service. He was brought to him within a few minutes by a cutter.

When he got back to the scene he found that most of Whitehouse Landing was out of the grove of trees and that the school children had voted themselves a holiday. They were enjoying themselves hugely, believing that the Mary Stanford company was putting on a mimic battle. All they missed in the perfect afternoon was the absence of "Little Mary." Policemen were driving their back out of the grove of trees. They presented this because they wanted to get to the eye of the camera they thought was watching the battle.

Sergeant Fitzgerald was sitting down behind a chestnut tree with Fox and Ahern. As he blazed away with the rifle Taft apparently sensed the more contraction toward the grove. His concentration toward the grove was so intense that he gave three of the policemen opportunity to enter the house.

Fitzgerald's One Shot True.

These policemen, Lynch, Doyle and Lester apparently were heard above, for as they edged toward the roof hole the barrel of the rifle swung toward them.

The first head that came above this hole is going to be blown from its shoulder," they heard.

Taft found time to give his attention to the Springfield and the man shooting. Fitzgerald crept out on one knee and got a better aim. As he did so the shot shattered his knee. However, the shooter had come closer to the edge of the roof than before in his eagerness to escape Fitzgerald's opportunity. He fired from the ground and Taft dropped back on the roof.

As his body dropped upon the boards the policemen began to shoot through the hole. Taft was dead. They found the terrified old spirit had been wounded twice in the legs, but had found time to bandage his limbs with his own hands.

All the wounded policemen were removed to the Flushing Hospital. Fitzgerald, despite his broken knee, Fox, with the help of his comrades, and Kernigan, also wounded, refused to stay. Durkin was compelled to.

Borough Inspector Dillon met them afterward in the Flushing station house.

Widow and Son Arrested.

"The department is proud of you," he said as he shook their hands. Modestly the wounded men and their unwounded allies accepted his congratulations. He made the injured men were ordered to their homes.

The police arrested as material witnesses, Mr. Taft and his son, Oliver. When the wife of the slain sheriff was brought into the station house she was in a pitiful condition. Dr. Ryan, who had entered her home earlier, attended her.

Fitzgerald was held under technical arrest. He will be arraigned in the Long Island City police court this morning, simply as a matter of form.

Will murder in Germany.

Fifty years ago. When he came to this country he worked as a carpenter and afterward became a foreman in a construction plant, later becoming a contractor. Twenty years ago he married a woman who was a native of Germany. His wealth is said to be at least \$200,000.

Without his consent he was nominated on the Democratic ticket last November. He was elected, but he died before he had inaugurated many economic and efficient reforms.

Dependent Woman Shoots Herself.

Continually brooding because she had never married, Mrs. Josephine Barthel, 36 years, of 238 East 197th street, killed herself yesterday morning in her home by shooting herself in the mouth. The body was arrested for having a gun in the house. He was held in \$500 bail for trial.

THE GENUINE EDISON Dictating Machine

Press the Button—dictate any time—any speed—any correction—while typing costs half. Proven free on your own work. Ask for the BUYER'S GUIDE.

MILK IN A PAIL TWO CENTS LESS A QUART

Borden's Will Cut Prices at Stations If Buyer Brings Own Container.

Borden's Condensed Milk Company is planning to extend the sale of grade A milk as well as grade B milk at its stations at two cents less than the regular retail price per quart to any one who calls for milk with his own container.

This statement was made yesterday by one of the company's officials. Thus it will be possible to get grade A for ten cents and grade B for eight cents a quart, providing it is carried home in one's own pail or pitcher. For the present, however, the company will sell grade B milk only at its stations at the reduced rate.

It is understood that before long the company will make a further concession that will enable a customer calling at a station to take milk home in a bottle at reduced rates. Coupons costing two cents each will be printed. These tickets are to be purchased by customers and redeemed at the bottles in which milk is carried home are returned at the station.

Commissioner John J. Dillon of the State Department of Food and Markets said yesterday he is much pleased over the action of the Borden people in advertising to sell particular grade B milk at stations at two cents. He insisted, however, that the company has not gone far enough.

The Commissioner has made arrangements with members of the American Butchers Association keeping butcher shops in various parts of the city to supply their customers with a price of seven or eight cents a quart after January 1.

The decreased price will be due to competition between the Butchers' League and the dairymen. The league will manage the pasteurization of the milk and will deliver it daily to various butcher shops in the city. The butchers, having refrigerators in which to store it and facilities for distributing it to the consumer, will not have to spend much money and will be content with a cent profit on a quart.

Mr. Dillon said yesterday that the league has secured pasteurization plants which cost about 100,000